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Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, rulemaking relating to the management of landfill gas and odor at solid waste facilities is currently in progress and could be complete before this legislation goes into effect unless this legislation is enacted as an emergency; and

Whereas, the scope of those rules is greater than expected when the effort was initiated in 2008, particularly with respect to the management of odors and landfill gas; and

Whereas, the increased scope of the rulemaking will cause a significant financial impact to publicly and privately owned solid waste incinerators, landfills, transfer stations, composting facilities and processing facilities, as well as the industries, businesses and municipalities directly reliant on such solid waste facilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Resolve 2007, c. 170, §1, amended. Resolved: That Resolve 2007, c. 170, §1 is amended to read:

Sec. 1 Landfill gas and odor management rules. Resolved: That the Department of Environmental Protection, Board of Environmental Protection shall adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. Rules adopted pursuant to this section are ~~routine technical~~ major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. By ~~January~~ March 15, 2009 2012, the Department of Environmental Protection shall submit a report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.